

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

No. 7:11-CR-00123-F-1

No. 7:16-CV-00396-F

OSCIELGARCIA ESTRADA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

Having examined Petitioner's motion pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing Section 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 motion within **forty (40)** days of the filing of this order.

Petitioner asserts a challenge based on *Johnson v. United States*, 135 S. Ct. 2551 (2015), and he previously qualified for appointed counsel. Sherri R. Alspaugh with the Office of the Federal Public Defender was previously appointed to represent Petitioner pursuant to Standing Order No. 15-SO-2 (E.D.N.C. Oct. 16, 2015). Alspaugh has been allowed to withdraw.

SO ORDERED.

This 28 day of November, 2016.

  
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JAMES C. FOX  
SENIOR UNITED STATES DISTRICT JUDGE